

October 5, 2001

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
Room TW-A325
445 12th Street, S.W.
Washington, DC 20554

Re: Permitted Ex Parte Conversations: CS Docket No. 97-80 (Implementation of The Telecommunications Act Of 1996; Commercial Availability Of Navigation Devices); PP Docket No. 00-67 (Compatibility Between Cable Systems and Consumer Electronics Equipment)

Dear Secretary Salas:

Pursuant to Section 1.1206 of the Commission's Rules, 47 C.F.R. § 1.1206, notice is hereby electronically submitted to CS Docket No. 97-80 and PP Docket No. 00-67 regarding an *ex parte* presentation by representatives of the Consumer Electronics Association ("CEA").

On Wednesday, September 26, 2001, Michael Petricone, Vice President, Technology Policy, Ralph Justus, Vice President, Technology & Standards, Bernie Lechner, consultant to CEA, Brian Smith, chairman of CEA's TV/VCR Caucus, and the undersigned, representing CEA, met with W. Kenneth Ferree, Chief, Cable Services Bureau and members of his staff: William Johnson, Tom Horan, Deborah Klein, Steve Broeckaert, John Wong, Michael Lance, Peggy Greene, Walid Kassem, Wayne McKee, and Adam Candeub. Also attending were Susan Eid, Legal Advisor to Chairman Powell, and Rick Chessen, Associate Chief, Mass Media Bureau. Other industry participants were Neal Goldberg, General Counsel, National Cable & Telecommunications Association ("NCTA"); Andy Scott, Director of Engineering of NCTA; and Bill Check, Vice President of Science and Technology of NCTA; Richard Greene; President and CEO of Cable Labs; Don Dulchinos, Vice President of Advanced Platforms and Services of Cable Labs; and Miles Circo, Vice President and CTO of Circuit City.

The positions advanced by CEA were those set forth in the pleadings it has filed in this docket. In addition, the following information relevant to the merits of these proceedings was disclosed in the course of discussions by representatives of CableLabs and NCTA.

- The OpenCable Applications Platform (“OCAP”) specification is now in its third draft and is expected to be introduced into the ITU Recommendations process in March 2002. The best case scenario for the completion of the process of creating a “build-to” standard by a recognized standard-setting body, such as SCTE or IEEE, is the final quarter of 2002 or the first quarter of 2003.
- There are no immediate plans for the creation of an “OCAP Light” specification that would encompass basic bi-directional video programming functionalities, such as impulse pay-per-view (“IPPR”). Any timeline for the creation of an OCAP Light specification would be equivalent to the timeline for the development of the full OCAP specification.
- CableLabs recognizes the significance of portability for the consumer electronics industry, which is why it has developed a software solution in OCAP that will work across many different cable systems.
- Because OCAP is developed around a Java applications platform, similar in that respect to proprietary systems currently being deployed by cable operators, CableLabs does not anticipate that there will be a problem of a stranded legacy equipment base of integrated set-top boxes developed for proprietary systems. OCAP is intended to be backward-compatible with cable operators’ proprietary systems.
- The representatives of Cable Labs and NCTA were unable to identify any statement of commitment by a major multiple systems operator (“MSO”) to support the OCAP-based technology platform or any element of the OpenCable specification in the development of their advanced cable television systems.

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Thank you for your attention to this matter. Please contact me if you have any questions.

Sincerely,

/s/ David A. Nall
David Alan Nall

cc: W. Kenneth Ferree, Chief, Cable Services Bureau
William Johnson, Deputy Chief, Cable Services Bureau
Tom Horan, Legal Advisor to the Chief of the Cable Services Bureau
Deborah Klein, Chief, Consumer Protection and Competition Division, CSB
Steve Broeckaert, Deputy Chief, Consumer Protection and Competition, CSB
John Wong, Chief, Engineering and Technical Services Division, CSB
Michael Lance, Deputy Chief, Engineering and Technical Services Division, CSB
Peggy Greene, Consumer Protection and Competition Division, CSB
Walid Kassem, Engineering and Technical Services Division, CSB
Wayne McKee, Engineering and Technical Services Division, CSB
Adam Candeub, Consumer Protection and Competition Division, CSB
Susan Eid, Legal Advisor, Office of the Chairman
Rick Chessen, Associate Chief, Mass Media Bureau